

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**ROGER C. DAY,**

**Petitioner,**

**vs.**

**L. STEVEN BENTON, Warden, and  
MILTON E. NIX, JR.,**

**Respondents.**

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**5:05-CV-54 (CAR)**

***ORDER ON THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 16] to grant Respondents Benton and Nix's Motion to Dismiss. Plaintiff filed an objection to this recommendation. [Doc. 18]. Having considered the matter, this Court agrees with the Recommendation; it is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**.

**SO ORDERED**, this 24th day of June, 2005.

**s/ C. ASHLEY ROYAL**  
C. ASHLEY ROYAL  
UNITED STATES DISTRICT JUDGE

LTH/jec